

MHGO070003922017



**Regular Civil Suit No.15/2017**  
**Kashiram-Vs-Insaram & oth**

**Order below Exh.89**

1. Read the application and say. Heard Advocates for both parties.
2. It is the contention of plaintiff that on 14/08/2019 no Evidence order of plaintiff passed by the Court. Due to Corona-19, the plaintiff could not met his counsel and after resuming the Court after lockdown as he was ill, he could not approached his counsel. He further submitted that thereafter, he engaged a new counsel and therefore, he could not adduce evidence of his side. Therefore, he prayed for setting aside no evidence order passed 14/08/2019.
3. The Learned advocate for defendant has filed his say on the back side of Exh. 89 and submitted that in the present matter, evidence of the defendant is already filed on record and the defendant disclose his evidence before the court. He further submitted that after several opportunities to the plaintiff, he failed to adduce evidence.
4. It is pertinent to note here that issues are framed on 10/04/2018 by the court. Thereafter, from time to time, plaintiff filed adjournment applications and therefore, on 14/08/2019, order to close evidence of plaintiff was passed on 14/08/2019. The evidence of defendant adduced on 25/10/2021. Thereafter, the witness no. 2 of defendant filed his evidence affidavit on 22/02/2022. Thereafter, on 23/06/2022, an order to keep the case for dismissal order was also passed.

5. From the contention of plaintiff, it is seen that due to lock-down and illness of plaintiff, he was unable to adduce evidence. On the same time, it also true that defendant disclosed his evidence. However, defendant has an opportunity to cross-examine the plaintiff and adduce further evidence in support of his contention. If permission is not granted, the plaintiff would suffer irreparable loss. To avoid the multiplicity of proceeding and decide the matter completely and finally with full adjudication on merits the application deserves to be granted. Hence following order.

**Order**

- 1) The application is allowed.
- 2) No evidence order passed on 14-08-2019 is hereby set aside subject to cost of Rs. 1,000/- payable to defendant.
- 3) The Plaintiff is directed to adduce evidenced on next date positively. If plaintiff failed to adduce evidence, the suit is automatically fixed for dismissal order.

Date : 15-04-2024

Sd/-  
(Smt. S.V. Charde)  
Civil Judge, Junior Division,  
Deori

## CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer: Sanjiwan Waman Malame  
Court Name : Smt. S. V. Charde  
Civil Judge J.D. & J.M.F.C., Deori

Date : 15.04.2024  
Order signed by the  
presiding officer on : 15.04.2024  
Order uploaded on : 15.04.2024